

**Maine Revised Statutes**  
**Title 22: HEALTH AND WELFARE**  
**Chapter 405-A: HOSPITAL AND HEALTH CARE PROVIDER**  
**COOPERATION ACT HEADING: PL 2005, c. 670, §1 (new)**

**§1849. EFFECT OF FILING AN APPLICATION UNDER THIS CHAPTER;  
APPLICABILITY**

**1. Validity of certified cooperative agreements.** Notwithstanding Title 5, chapter 10; Title 10, chapter 201; or any other provision of law, a cooperative agreement for which a certificate of public advantage has been issued is a lawful agreement. Notwithstanding Title 5, chapter 10; Title 10, chapter 201; or any other provision of law, if the parties to a cooperative agreement file an application for a certificate of public advantage governing the agreement with the department, the conduct of the parties in negotiating and entering into a cooperative agreement is lawful conduct. This subsection does not provide immunity to any person for conduct in negotiating and entering into a cooperative agreement for which an application for a certificate of public advantage is not filed.

[ 2005, c. 670, §1 (NEW); 2005, c. 670, §4 (AFF) . ]

**2. Validity of cooperative agreements determined not in public interest.** In an action by the Attorney General under section 1848, subsection 2, if the Superior Court determines that the applicants have not established by a preponderance of the evidence that the likely benefits resulting from a cooperative agreement outweigh any disadvantages attributable to any potential reduction in competition resulting from the agreement, the cooperative agreement is invalid and has no further force or effect when the judgment becomes final after the time for appeal has expired or the judgment of the Superior Court is affirmed on appeal.

[ 2005, c. 670, §1 (NEW); 2005, c. 670, §4 (AFF) . ]

**3. Other laws, rules and regulations.** This chapter does not exempt covered entities from compliance with laws governing certificates of need or other applicable laws, rules and regulations.

[ 2005, c. 670, §1 (NEW); 2005, c. 670, §4 (AFF) . ]

**4. Contract disputes.** A dispute between parties to a cooperative agreement concerning its meaning or terms is governed by normal principles of contract law.

[ 2005, c. 670, §1 (NEW); 2005, c. 670, §4 (AFF) . ]

**5. Termination; surrender.** This chapter does not prohibit certificate holders from terminating their cooperative agreement by mutual agreement, consent decree or court determination or by surrendering their certificate of public advantage to the department. Any certificate holder that terminates the agreement shall file a notice of termination with the department within 30 days after termination, surrender the certificate of public advantage and submit copies to the Attorney General at the time the notice of termination is submitted to the department.

[ 2011, c. 90, Pt. J, §18 (AMD) . ]

**SECTION HISTORY**

2005, c. 670, §1 (NEW). 2005, c. 670, §4 (AFF). 2011, c. 90, Pt. J, §18 (AMD) .

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